

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

ARMANDO VASQUEZ REYES

Plaintiff

Case No. 2:24-cv-01355-JAD-MDC

ORDER

v.

NDOC, et al.,

Defendants

Plaintiff Armando Vasquez Reyes, an inmate in the custody of the Nevada Department of Corrections, submitted a complaint under 42 U.S.C. § 1983 and an application to proceed *in forma pauperis* (“IFP”). (ECF Nos. 1-1, 1). Plaintiff’s IFP application is incomplete because he failed to sign page 3, which is titled “Acknowledgement” and requires the inmate’s two signatures. Additionally, Plaintiff failed to file written notice of his updated address by the November 23, 2024, deadline to do so. (ECF No. 4). And his mail from the Court is being returned as undeliverable. (ECF No. 5).

I. DISCUSSION

A. Filing Fee

The United States District Court for the District of Nevada must collect filing fees from parties initiating civil actions. 28 U.S.C. § 1914(a). As of December 1, 2023, the fee for filing a civil-rights action is \$405, which includes the \$350 filing fee and the \$55 administrative fee. See 28 U.S.C. § 1914(b). “Any person who is unable to prepay the fees in a civil case may apply to the court for leave to proceed *in forma pauperis*.” Nev. Loc. R. Prac. LSR 1-1. For an inmate to apply for *in forma pauperis* status, the inmate must submit **all three** of the following documents to the Court: (1) a completed **Application to Proceed in Forma Pauperis for Inmate**, which is pages 1–3 of the Court’s approved form, that is properly signed by the inmate twice on page 3; (2) a completed **Financial Certificate**, which is page 4 of the Court’s approved form, that is properly signed by both the inmate and a prison or jail official; and (3) a copy of the

1 inmate's prison or jail trust fund account statement for the previous six-month
 2 period. See 28 U.S.C. § 1915(a)(1), (2); Nev. Loc. R. Prac. LSR 1-2. *In forma pauperis*
 3 status does not relieve an inmate of his or her obligation to pay the filing fee, it just means
 4 that the inmate can pay the fee in installments. See 28 U.S.C. § 1915(b).

5 Here, plaintiff Vasquez Reyes did not sign on page three (3) of is IFP application,
 6 as required. Plaintiff needs to sign on the two locations on page three and resubmit his
 7 IFP application.

8 B. Change of Address Notice

9 Plaintiff is advised that a "pro se party must immediately file with the court written
 10 notification of any change of mailing address, email address, telephone number, or
 11 facsimile number." Nev. Loc. R. Prac. LR IA 3-1. "The notification must include proof of
 12 service on each opposing party or the party's attorney." *Id.* And "failure to comply with this
 13 rule may result in the dismissal of the action, entry of default judgment, or other sanctions
 14 as deemed appropriate by the court." *Id.*

15 II. CONCLUSION

16 It is therefore ordered that Plaintiff has **until January 9, 2025** to accomplish the
 17 following two items:

18 1) File written change-of-address notice with the Court.
 19 2) Either pay the full \$405 filing fee or file a fully complete application to
 20 proceed *in forma pauperis* with all three of the following required documents:

- 21 (i) a completed application with the inmate's two signatures on page 3,
- 22 (ii) a completed financial certificate that is signed both by the inmate and
- 23 the prison or jail official, and
- 24 (iii) a copy of the inmate's trust fund account statement for the previous six-
- 25 month period.

26 Plaintiff is cautioned that this action will be subject to dismissal without prejudice if
 27 Plaintiff fails to timely comply with this order. A dismissal without prejudice allows Plaintiff
 28 to refile the case with the Court, under a new case number, when he can file a complete

1 application to proceed *in forma pauperis* or pay the required filing fee and keep the Court
2 apprised of his current address.

3 The Clerk of the Court is directed to send Plaintiff: (1) this Court's approved form
4 application to proceed *in forma pauperis* for an inmate with instructions, and (2) a courtesy
5 copy of his incomplete application to proceed *in forma pauperis* (ECF No. 1).

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7 DATED: December 10, 2024

8
9 UNITED STATES MAGISTRATE JUDGE
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